

REMARKS:

Status of the Claims

Claims 1-16 were originally filed. During the prosecution, claims 1-16 were canceled, new claims 17-23 were added. Claims 17-23 stand rejected in the March 6, 2008 Office Action. Upon entry of this Amendment, the same set of claims will be pending.

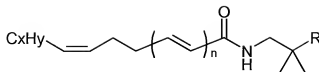
Claim Rejection Under 35 U.S.C. § 103

Claims 17-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Galopin *et al.* (Abstract 0056, 224th American Chemical Society National Meeting, Aug 2002). Examiner alleges that Galopin *et al.* disclose a variety of sanshool derivatives for use in foods as is claimed and the claims only differ as to the specific substituents (*See*, Office Action, page 2, lines 10-13). Examiner further alleges that Galopin *et al.* disclose a minimal structure and address the synthesis of derivatives (*See*, Office Action, page 2, line 14). Examiner, therefore, concludes it would have been obvious to a person of ordinary skill in the art to use the claimed substituents in that of Galopin *et al.* because once the minimal structure has been identified, the manipulation of substituents is no more than conventional in the art (*See*, Office Action, page 2, lines 15-21). Applicants respectfully disagree.

In the July 8, 2004 Information Disclosure Statement, Applicants submitted the full text article for the cited abstract (i.e., ACS Symposium Series 867, Challenges in Taste Chemistry and Biology, Sponsored by the ACS Division of Agricultural and Food Chemistry, 2004, Chapter 9, Pungent and Tingling Compounds in Asian Cuisine, Galopin *et al.*, pages 139-152). Thus, the full text article is hereby consulted and discussed for the full experimental results and complete conclusions.

Galopin *et al.* Do Not Teach or Suggest the Claimed Invention

As admitted by the Examiner, Galopin *et al.* disclose a minimal structure required for sanshool and bungeanol-type chemicals to be pungent (*See*, Office Action, page 2, line 14; Galopin *et al.*, page 146, lines 1-3). The minimal structure is set forth below:



Minimal Structure: R = H, n = 1, x = 1

Optional Features: R = OH, n = 2, x > 2

Noticeable Pungency = Minimal Structure + two Optional Features

(See, Galopin *et al.*, page 146, lines 4-9; page 147, Figure 4).

However, **the claimed compound 2,6-nonadienamide, N-ethyl-, (2E,6Z) dose not contain the above structure, let alone any of the optional features.** Thus, Galopin *et al.* neither teach nor suggest the claimed invention. One skilled in the art can not arrive at the claimed invention by manipulating substituents of the required minimal structure taught by Galopin *et al.*

Galopin *et al.* Teach Away From the Claimed Invention

“A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant” (See, *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994)). That the inventor achieved the claimed invention by doing what those skilled in the art suggested should not be done is a fact strongly probative of nonobviousness (See, *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), *on rehearing*, 231 USQP 160 (Fed. Cir. 1986)).

Here, Galopin *et al.* specifically and expressly teach that isobutyl is required as the N-alkyl group for pungency (See, Galopin *et al.*, page 150, section of “SAR Study of the N-Alkyl Group”). In contrast, the claimed compound contains no N-isobutyl group. Applicants achieved the claimed invention by not doing what Galopin *et al.* taught “the isobutyl group was indeed required for pungency” is a fact strongly probative of nonobviousness.

For at least these reasons, Applicants respectfully submit that the claimed invention is novel and patentable in view of Galopin *et al.* Applicants respectfully request that the 35 U.S.C. § 103 rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of rejections, and allowance of all claims now present in the application.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment to International Flavors & Fragrances Inc. Deposit Account No. 12-1295.

Respectfully submitted,



Date: June 13, 2008

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